

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SEGAL 4 B PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FR2004/001845	International filing date (day/month/year) 13.07.2004	Priority date (day/month/year) 15.07.2003
International Patent Classification (IPC) or national classification and IPC B65D47/24		
Applicant SEAQUIST GENERAL PLASTICS		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-11 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-10 _____ received by this Authority on /filed with the demand
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/5-5/5 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-10</u>	YES
	Claims	<u></u>	NO
Inventive step (IS)	Claims	<u>1-10</u>	YES
	Claims	<u></u>	NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
1. Reference is made to the following documents:			
D1: US-A-5 000 360 (LOWN JOHN ET AL) 19 March 1991 (1991-03-19);			
D2: US-A-3 231 155 (MCCONNELL PAUL H) 25 January 1966 (1966-01-25).			
2. Document D1, which is considered to be the most relevant prior art, discloses (cf. figures 1-4) a dispensing head, from which the subject matter of claim 1 differs in that the two guide channel sections each define a respective end abutment in such a way that the rotary actuation element is rotatably mounted between two end abutment positions, wherein said two end abutments correspond, respectively, to the two open positions and the gradients of said two guide channel sections have different angles and/or lengths.			
It follows that the subject matter of claim 1 is			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can therefore be considered to be that of enabling the rotary element to occupy, relative to the base, two separate positions in which the dispensing port can be opened to a greater or lesser extent depending on the section selected, i.e. depending on the direction of rotation of the rotary element relative to said base.

The solution to this problem, as proposed in claim 1, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

The dispensing head as per D1 has no end abutments and the gradients of the guide channel sections do not have different angles or different lengths. Document D2 (cf. figures 3 and 4) describes end abutments but the two guide channel sections are not mutually connected at a low point and the gradients of said sections do not have different angles or different lengths. It follows that none of the cited documents, considered individually or in combination, suggests the solution in claim 1.

3. Claims 2-13 are dependent on claim 1 and, as such, therefore also fulfil the PCT requirements of novelty and inventive step.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 1 has not been properly drafted in two parts (PCT Rule 6.3(b)) in relation to document D1, which is considered to be the most relevant prior art (see point 2, first paragraph).